

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NICOLA CASTELLI,

Plaintiff,

vs.

**DROPOFF, INC., AMERICAN RED
COSS, JILL MULLANE, BERNARD
MELTON, OMER ANGUN, ABC
CORPS 1-10, AND JOHN DOES 1-10
(fictitious names representing unknown
Defendants),**

Defendants.

Civil Action No. _____

DEFENDANTS' NOTICE OF REMOVAL

Defendants American Red Cross (“the Red Cross”), Jill Mullane, and Omer Angun hereby give notice of the removal to this Court of the case styled *Nicola Castelli v. DropOff, Inc., American Red Cross, et al.*, Case No. ESX-L-005863-22, from the Superior Court of New Jersey, Law Division, Essex County, pursuant to 28 U.S.C. §§ 1441, *et seq.*, based upon the following grounds:

1. The Red Cross is a not-for-profit corporation operating under a congressional charter which is codified at 36 U.S.C. § 300101, *et seq.*
2. On or about October 4, 2022, plaintiff Nicola Castelli filed a complaint in the Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-005863-22 (“the complaint”) against the Red Cross; Jill Mullane, who is a current employee of the Red Cross; and Omer Angun., who is a former employee of the Red Cross. Plaintiff also named DropOff, Inc. and Dropoff Inc. employee Bernard Melton as defendants.

3. The Red Cross was served with the complaint on October 6, 2022.

4. Upon information and belief, Ms. Mullane has not been served with the complaint.

5. Mr. Angun was served with the complaint on October 14, 2022.

6. Co-defendant DropOff, Inc. was served with the complaint on October 13, 2022.

7. Co-defendant Bernard Melton was served with the complaint on October 14, 2022.

8. This Notice of Removal is filed within 30 days of the date on which the complaint was served on all served defendants, and, therefore, removal of this action is timely under 28 U.S.C. § 1446(b).

9. This action is properly removed to this Court under 28 U.S.C. § 1441 because this district embraces the place where the complaint is pending.

10. The Red Cross, Ms. Mullane, Mr. Angun, DropOff, Inc. and Mr. Melton are the only non-fictitious defendants and all consent to removal of this action, so the requirement of consent under 28 U.S.C. § 1446(b) is satisfied.

11. Removal of this action is appropriate under 28 U.S.C. § 1441(a) because this Court has original jurisdiction under 36 U.S.C. § 300105(a)(5) over any case to which the Red Cross is a party. *Am. Nat'l Red Cross v. S.G.*, 505 U.S. 247, 248, 257 (1992) (interpreting 36 U.S.C. § 2, which has been re-codified at 36 U.S.C. § 300105, and finding that “the Red Cross is . . . authorized to remove from state to federal court any state-law action it is defending”); *Doe v. Am. Red Cross*, 14 F.3d 196, 201 (3d Cir. 1993) (“[T]he [Supreme Court gave] a *specific* and unequivocal direction that the Red Cross is ‘thereby authorized to remov[e] from state to federal court of any state-law action it is defending.’”) (citation omitted) (emphasis in original).

12. Copies of all process, pleadings, and court orders served upon defendants are attached as Exhibit A as required under 28 U.S.C. § 1446(a).

13. Pursuant to 28 U.S.C. § 1446(d), counsel for defendants will promptly file a copy of this notice of removal with the Superior Court, Law Division, Essex County, and serve it on counsel for the plaintiff.

Dated this 4th day of November, 2022.

Respectfully submitted,

/s/ Ezra Alter
Ezra H. Alter
ECKERT SEAMANS CHERIN & MELLOTT, LLC
Gateway IV, Suite 401
100 Mulberry St.
Newark, NJ 07102
P: (973) 855-4719
F: (973) 855-4701
ealter@eckertseamans.com

Jeffrey W. Larroca (*pro hac vice* anticipated)
Michael A. Graziano (*pro hac vice* anticipated)
ECKERT SEAMANS CHERIN & MELLOTT, LLC
1717 Pennsylvania Ave., NW, Suite 1200
Washington, D.C. 20006
P: (202) 659-6671
F: (202) 659-6699
mgraziano@eckertseamans.com

*Counsel for defendants American Red Cross, Jill
Mullane, and Omer Angun*

Local Civil Rule 11.2 Certification

Pursuant to Local Civil Rule 11.2, I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of another action pending in any court or of any pending arbitration or administrative proceeding.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 4, 2022

/s/ Ezra Alter
Ezra H. Alter